

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:11-CT-3257-BO

BOBBY RAY GRADY,	)	
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
CAREY WINDERS, et al.,	)	
Defendants.	)	

Plaintiff, who appears to be a pre-trial detainee, filed this civil rights action pursuant to 42 U.S.C. § 1983.<sup>1</sup> The matter is now before the court for a frivolity determination. 28 U.S.C. § 1915(e)(2). Section 1915 provides that courts shall review complaints in which prisoners seek relief from a governmental entity or officer, and dismiss such complaints when they are “frivolous.” A claim is frivolous where it “lacks an arguable basis either in law or in fact.” Neitzke v. Williams, 490 U.S. 319, 325 (1989). The matter shall be allowed to proceed against Carey Winders, Fane Greenfield, Deputy Biggins, Detective Sergeant Keith Hartzog, Lieutenant Carl E. Lancaster, and Sergeant Kenneth Lupton.

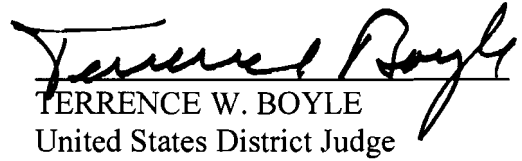
Accordingly, the clerk is DIRECTED to maintain management of the case. The motions to amend [D.E. 6-8] are ALLOWED and the caption should now name Carey Winders, Fane

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<sup>1</sup>Prior to conducting this frivolity review, plaintiff also filed three Motions to Amend on January 19, 2012, February 14, 2012, and April 2, 2012 [D.E. 6-8]. A party may amend his pleading once as a matter of right, within 21 days after service or 21 days after service of the responsive pleading. Otherwise a party may amend the pleading only by leave and leave shall be given when justice so requires. Fed. R. Civ. P. 15 (a). No service has been made, nor has a responsive pleading been filed. The court shall allow the Motions to Amend [D.E. 6-8]. Therefore, the court conducts the frivolity review as to both the original complaint, the Motions to Amend, and all other filings in this case. Fed. R. Civ. P. 10© (The papers attached to the filings intended to be the complaint or amended complaint are a part of the complaint and amended complaint.) However, plaintiff is warned that he has now had his amendment as of right and should carefully consider each filing prior to submitting it with this court.

Greenfield, Deputy Biggins, Detective Sergeant Keith Hartzog, Lieutenant Carl E. Lancaster, and Sergeant Kenneth Lupton as defendants. Plaintiff is WARNED that his filings have been difficult to understand and should carefully prepare each filing and consider its necessity before submission of the same. In that any of the motions now being considered seek to hire experts as set out in D.E. 6 in the caption, the motion is currently denied.

SO ORDERED, this the 18 day of May 2012.

  
TERRENCE W. BOYLE  
United States District Judge